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Attorneys for Defendant,
WESTCOR LAND TITLE INSURANCE
COMPANY

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR NEW
CENTURY HOME EQUITY LOAN TRUST,
SERIES 2005-C, ASSET BACKED
PASSTHROUGH CERTIFICATES,
Plaintiff,

vs.

WESTCOR LAND TITLE INSURANCE
COMPANY; DOE INDIVIDUALS I through
X; and ROE CORPORATIONS XI through
XX, inclusive,

Defendants.

CASE NO. 3:21-cv-00325-MMD-WGC

**STIPULATION AND ORDER TO
STAY CASE PENDING THE NINTH
CIRCUIT COURT OF APPEALS'
DECISION IN WELLS FARGO vs.
FIDELITY**

COMES NOW Deutsche Bank National Trust Company, as Trustee for New Century Home Equity Loan Trust, Series 2005-C, Asset Backed Certificates ("Plaintiff"), and Defendant, Westcor Land Title Insurance Company ("Defendant") (collectively, the "Parties"), by and through their respective attorneys of record, and hereby stipulate and agree as follows:

WHEREAS, there are now currently pending in the United States District Court for the District of Nevada more than fifty actions between national banks, on the one hand, and title insurers, on the other hand (the "Actions");

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1 **WHEREAS**, each of the Actions involves a title insurance coverage dispute wherein the
 2 national bank contends, and the title insurer disputes, that a title insurance claim involving an HOA
 3 assessment lien and subsequent sale was covered by a policy of title insurance;

4 **WHEREAS**, in the majority of these Actions, the title insurer underwrote an ALTA 1992
 5 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9
 6 Endorsement (the “Form Policy”) and/or the CLTA 115.2/ALTA 5;

7 **WHEREAS**, the plaintiffs in these actions has now appealed a judgment of dismissal to
 8 the Ninth Circuit Court of Appeals in three cases: Wells Fargo Bank, N.A. v. Fidelity National
 9 Title Ins. Co., Ninth Cir. Case No. 19-17332 (District Court Case No. 3:19-cv-00241-MMD-
 10 WGC); HSBC Bank USA, N.A. v. Fidelity National Title Insurance Company Case No. 20-15387;
 11 Deutsche Bank Nat'l Tr. Co. v. Fid. Nat'l Title Ins. Co., Case No. 20-15849. Oral argument is
 12 presently scheduled in these cases for October 20, 2021;

13 **WHEREAS**, the Parties anticipate that the Ninth Circuit Court of Appeals’ decision in the
 14 Wells Fargo II Appeal may touch upon issues regarding the interpretation of the Form Policy, and
 15 the Courts in this district have generally indicated a preference to stay these Actions until the Ninth
 16 Circuit appeals are resolved; and

17 **WHEREAS** both of the Parties agree that it is appropriate and desirous to stay the instant
 18 action pending the disposition of the Wells Fargo II Appeal, that a stay of the instant action will
 19 not prejudice either of the Parties, and that a stay of the instant action will best serve the interests
 20 of judicial economy, particularly given the proximity of the October 20, 2021 oral argument.

21 **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby
 22 stipulate and agree as follows:

23 1. The instant action shall immediately be **STAYED**, pending the disposition of the
 24 Wells Fargo II Appeal.

25 2. Each of the Parties shall be excused from responding to any now-outstanding
 26 discovery requests propounded by the other until after the stay is lifted.

27 3. Any now-pending deadlines to file responses to, or replies in support of, any
 28 outstanding motions are hereby **VACATED**, including Defendant’s pending Motion to Dismiss at

ECF No. 5.

4. By entering into this stipulation, neither of the Parties is waiving its right to subsequently move the Court for an order lifting the stay in this action.

DATED this 12th day of August, 2021.

DATED this 12th day of August, 2021.

MAURICE WOOD

WRIGHT, FINLAY & ZAK, LLP

By: /s/Brittany Wood

By: /s/Darren T. Brenner

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Attorneys for Defendant

Attorneys for Plaintiff

DATED THIS 13th Day of August 2021.

IT IS SO ORDERED.



UNITED STATES DISTRICT COURT JUDGE

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